

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION**

JODELLE L. KIRK

Plaintiff,

v.

SCHAEFFLER GROUP USA, INC., *et al.*,

Defendants.

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Case No. 3:13-cv-05032-DGK

**DEFENDANTS' MOTION *IN LIMINE* NO. 13 TO EXCLUDE
REFERENCES TO THE SIZE, STRUCTURE, RESOURCES, OR LOCATIONS
OF DEFENDANTS' PARENT COMPANY AND DEFENDANTS' COUNSEL**

Defendants¹ move *in limine* to exclude any evidence, arguments, or references to any evidence related to the size, corporate structure, resources, and locations of any non-parties (or their owners or shareholders) and Dentons US LLP.

ARGUMENT

Evidence relating to the size, corporate structure, resources, and locations of any entity (or its owners or shareholders) that are not a party to this lawsuit, or to defense counsel's law firm, Dentons US LLP, would not be relevant to any issues in this case. Fed. R. Evid. 401. Such references or evidence have no tendency to make any fact more or less probable, or to clarify any remaining issues to be tried in this case. *Id.* As such, any references or evidence are also inadmissible. Fed. R. Evid. 402.

Further, admission of such evidence would be unduly prejudicial to Defendants. Fed. R. Evid. 403. Such evidence could mislead the jurors into considering matters outside of the relevant facts and issues in this action, or into developing biases against Defendants. Moreover, admission of such evidence would cause undue delay and time waste during trial. Courts thus

¹ Schaeffler Group USA, Inc. ("Schaeffler") and FAG Bearings, LLC ("FAG Bearings").

regularly exclude such references and evidence as irrelevant and/or prejudicial. *See, e.g., Winter v. Novartis Pharm. Corp.*, No. 06-4049-CV-C-MJW, 2012 WL 827245, at *4 (W.D. Mo. Mar. 8, 2012) (precluding plaintiff from referencing defendant’s corporate structure or that it was “a Swiss company and that ‘they are not one of us’”); *Sappington v. Skyjack Inc.*, No. 04-5076-CV-SW-FJG, 2008 WL 895222, at *2–3 (W.D. Mo. Mar. 27, 2008) (excluding evidence, testimony, and argument relating to fact that defendant was Canadian company and to “[t]he wealth, poverty, or financial position of any party”); *I-Sys., Inc. v. Softwares, Inc.*, No. CIV.021951 (JRT/FLN), 2005 WL 1430323, at *7–8 (D. Minn. Mar. 7, 2005) (“excluding evidence and testimony relating to the corporate history of [the plaintiff] and to its recent incorporation in Canada” because evidence “at best, only tangentially relevant and, as such, was more prejudicial and potentially confusing to the jury than probative”).

Accordingly, Plaintiff should not be permitted to introduce any evidence, testimony, or arguments related to the following irrelevant topics:

- Any evidence, testimony, argument, or reference related to any financial information or condition for any entity other than Defendant(s) remaining in this case at the time of trial;
- The fact that Defendants are owned, directly or indirectly, by a German company or that any of Defendants’ affiliates are based in Germany²;
- Any discussion of the German owners of the Schaeffler Group family of companies, including the financial position of those individuals;
- The fact that Dentons US LLP is the largest law firm in the world or one of the largest law firms in the United States;
- Any references to the locations of any offices of Dentons US LLP, including any foreign offices;
- Any reference to the fact that some of Defendants’ attorneys are located outside the state of Missouri; in California; or, specifically, in Los Angeles, California;

² The Defendants in this case are all based in the United States. (*See* Doc. 1-4, Mar. 14, 2013 Decl. of Timothy U. Zygmunt ¶¶ 2, 4–5.)

- Any other references to the size, financial condition, or resources of Dentons US LLP; and
- Any references to the resources of Plaintiff or her counsel relative to the resources of Defendants or their counsel, including the respective number of attorneys at counsel table and/or in the courtroom at trial.

None of the foregoing information is relevant to any issue in this case, and there is no legitimate basis for introducing or referring to such information in any way at trial. *See Hale Cnty. A&M Transp., LLC v. City of Kansas City, Mo.*, No. 4:12-CV-00265-DGK, 2014 WL 545779, at *5 (W.D. Mo. Feb. 11, 2014) (excluding “[e]vidence concerning the size of law firms representing Plaintiff and Defendant”; “[s]tatements referring to the comparative net worth, wealth, or power of Plaintiff and Defendant”; and “[d]erogatory references to [a party] because of its corporate or out-of-state status”). Accordingly, the Court should enter an order precluding Plaintiff from mentioning any information related to the size, corporate structure, resources, and locations of any non-party or Dentons US LLP.

CONCLUSION

For the foregoing reasons, Defendants respectfully request that the Court grant Defendants’ Motion and exclude, at trial, any evidence, arguments, or references relating to the size, corporate structure, resources, and locations of any non-party or Dentons US LLP.

Date: January 11, 2016

Respectfully submitted,

DENTONS US LLP

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**ATTORNEYS FOR DEFENDANTS
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CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of January 2016, a true and accurate copy of the foregoing document was served upon the following counsel by the Court's CM/ECF system:

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